

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**

**NOTICE 187 OF 2018**

**INVITATION FOR PUBLIC COMMENTS  
PROPOSED REGULATIONS RELATING TO PROTECTED DISCLOSURES, 2018**

1. The Department of Justice and Constitutional Development (the Department) invites interested parties to submit written comments on the proposed draft Regulations Relating to Protected Disclosures, 2018.

2. Section 8(a) of the Protected Disclosures Amendment Act, 2017 (Act No. 5 of 2017)(the Amendment Act) amended section 8(1) of the Protected Disclosures Act, 2000 (Act No. 26 of 2000), which deals with the persons and bodies to whom protected disclosures may be made. The amended section 8 provides that a protected disclosure may be made by an employee or worker to the Public Protector, the South African Human Rights Commission, the Commission for Gender Equality, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, the Public Service Commission, the Auditor-General or a person or body prescribed by regulation for purposes of section 8 of the Act. Prior to the amendment, a protected disclosure in terms of section 8 of the Act could only be made to the Public Protector or the Auditor-General and a person or body prescribed by regulation for purposes of section 8 of the Act.

3. In order to give effect to the amended section 8(1) of the Act, draft regulations, prescribing the persons or bodies to whom protected disclosures may be made, in addition to the persons and bodies listed in section 8(1) of the Act, have been prepared. In determining to whom a protected disclosure should, in addition to the persons and bodies listed in section 8(1) of the Act, be made, the Report from the South African Law Reform Commission (SALRC), Project 123 with regards to Protected Disclosures was used as a starting point. In the said report the SALRC recommends that in addition to the proposals contained in the discussion paper and the proposals received from respondents, the Department should give consideration to the inclusion of persons or bodies to whom disclosures may be made in terms of other legislation.

4. A copy of the draft Regulations Relating to Protected Disclosures, 2018 to give effect to the amended section 8(1) of the Act is available on the website of the Department at <http://www.justice.gov.za>.

5. The comments on the draft Regulations Relating to Protected Disclosures, 2018 must be submitted to Ms A Van der Walt, on or before 21 May 2018. The contact details are:

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6. Further information can be obtained from Ms A van der Walt at 012 406 4767 or Mr LG Bassett at 012 406 4753.